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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/374,989	08/16/1999	TORU MATAMA	1982-0129P	4436

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EXAMINER
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WALKE, AMANDA C

ART UNIT	PAPER NUMBER
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1752

DATE MAILED: 12/18/2001

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Applicati n No.

09/374,989

Applicant(s)

MATAMA

Examiner

Amanda C Walke

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bohan et al (5,837,433) in view of Suzuki et al (6,094,218).

Bohan et al disclose a color corrected display image that can be rapidly provided by color developing an imagewise exposed, silver halide color photographic material, scanning the developed image to form digital signals, and digitally manipulating those signals to correct either interimage interactions and/or gamma mismatches among at least two color recording units. The color negative material may contain an amount of masking coupler and Dmin adjusting dye of up to 0.2 mmol/ m<sup>2</sup>. The limited amount reduces scanning noise and the Dmin adjusting dyes reduce the optical density which improves the scanning and digitization of the exposed material. Also, when the density sources are controlled in this manner, the silver halide emulsions may then be silver bromide and not predominantly silver chloride, but in order to shorten the processing time, it is preferred that the emulsions are silver chloride (column 10, lines 22-42). The material may contain a DIR coupler to aid in increasing the sharpness of the material although they may be obviated by employing the digital scanning and color correction

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steps taught by the reference (column 11, lines 17-26 and 49-65 and column 12, lines 1-55).

The material is preferably encased in a spool cartridge (column 14, lines 4-17). Photographic processing of the material may be carried out using a conventional method for processing a film in a cartridge, or alternatively, can be processed by applying viscous solutions directly to the film surface. The residual error in the responses that are photographically processed by conventional means may be corrected by transforming the photographic color negative image to density representative digital signals and applying correction values to those signals. The material is scanned and the digital records may be manipulated to produce a color corrected digital record which may then be forwarded to an output device such as a silver halide film (column 20, line 39 to column 21, line 38). The resultant material has a good sharpness. The reference provides teachings for a silver halide photographic material having a color correction function due to a masking coupler and /or a DIR coupler, and interimage effects and for an alternative method of processing such a material which includes a step of digital manipulation to produce a color corrected image.

Suzuki et al disclose film cartridge having a bar code. The bar code may display film information such as the type or variety of the film (i.e. color film, positive film, or negative film), the frame number, and/ or the total number of frames. It may also display any information relating to photography such as time/date information and designated print size (column 6, lines 1-36). It is the position of the examiner that film information would include the method of processing the material.

Given the teaching of the Suzuki et al reference that a bar code providing information related to photography may be contained on the film spool cartridge and the teaching of the

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Bohan et al reference that the color negative film may be encased in a cartridge, it would have been obvious to one of ordinary skill in the art the to encase the photosensitive material of Bohan et al which has a color correction function in a cartridge containing a bar code such as that described by Suzuki et al. in which the film information contained by the bar code is processing instructions for that specific material.

3. Applicant's arguments and amendments in the response filed 9/28/2001 have been fully considered but are not persuasive.

Applicant has argued that the magnetic code of Suzuki et al which may display film information such as the type or variety of the film (i.e. color film, positive film, or negative film), the frame number, and/ or the total number of frames), time/date information, and/or designated print size would not contain processing information. It is the examiner's position that the since the bar code of Suzuki et al may contain any information relating to photography with respect to the type of film contained in the cartridge, processing instructions for that specific material would be included in "any information relating to photography. The material of Bohan teaches a silver halide photographic material having a color correction function due to a masking coupler and /or a DIR coupler, and interimage effects and for an alternative method of processing such a material which includes a step of digital manipulation to produce a color corrected image. It is believed that since this type of material includes a unique processing step, a cartridge containing it which has a bar code which displays information about the film would include information about this unique step.

The 112 rejections made in the previous office action have been dropped.

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda C Walke whose telephone number is 703-305-0407. The examiner can normally be reached on M-R 5:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Baxter can be reached on 703-308-2303. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9792 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

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Amanda C Walke  
Examiner  
Art Unit 1752

ACW  
December 16, 2001

A handwritten signature in black ink, appearing to read 'Janet Baxter', with a large loop at the end.

JANET BAXTER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700